1930-001 Chancery Causes. James A. Butler vs Emma Butler et al
Dsh of Wight County

Folder 1
533

other surnames: Warren, Binford, Reid, Allen, Jones, Liggins, Joyner, Wilson, Branch, Seward, Tynes, Chapman [D. W. Chapman + Company], J. Drewery, Urquart

Auction Sale

OF

Valuable Real Estate

By virtue of authority vested in us by a Decree of the Circuit Court of Isle of Wight County, Virginia, entered on the 14th day of May, 1929, in the Chancery suit of James A. Butler vs. Emma Butler et als, pending in said Court, we shall offer for sale at Public Auction to the highest bidder for cash, in front of the Courthouse of Isle of Wight, Virginia, in said County.

SATURDAY, JUNE 15, 1929

12 O'clock Noon

the following real estate to-wit-

All that certain tract, piece or parcel of land lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road, and the estate of the late George A. Bryant; on the West by a division fence running practically north and south, and dividing the tract of land, practically in half, bought by Solomon Butler and James Butler; on the South by the main run of Rattle Snake Swamp and the land of Doctor R. L. Seward and Surry Lumber Company; on the East by the land of Surry Lumber Company, and containing forty (40) acres, more or less, conveyance made in gross and not by the acre. This is approximately one-half (½) (by estimation) of the tract of land of eighty (80) acres, conveyed jointly to Solomon Butler and James Butler, by Burgess Urquart et als by their deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Deed Book No. 75, at page 147, and also by Deed from Richard A. Urquart and Kate F. Urquart by their deed dated May 3, 1927, and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99, page 214.

Terms: CASH.

J. Melvin Lovelace and
E. H. Williams,
SPECIAL COMMISSIONERS

I, R. A. Edwards, Clerk of the said Court, do certify that the bond required of the Special Commissioner by the decree rendered in said cause on the 14th day of May, 1929, has been duly given.

Given under my hand as Clerk of the said Court, this 14th day of May, 1929.

R. A. EDWARDS, Clerk.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

James A. Butler.....Complainant

V. REPORT OF SPECIAL COMMISSIONER

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Josephine Liggins.....Defendants

Your Special Commissioners, J. Melvin Lovelace and E. H. Williams, respectfully represent unto the Court the following:

That pursuant to a Decree entered in this cause on the 14th day of May, 1929, your Commissioners executed a Bond as required by said Decree, and after having duly advertised the time, terms and place of sale in accordance with the terms of said Decree, as shown by copy of advertisement hereto attached, and exposed to sale, at Public Auction, in front of the Court House of Isle of Wight County, Virginia, on the 15th day of June, 1929, the land in the bill and proceedings mentioned and described, for cash; at which time there were no bidders whatever, and at which time the sale was continued by the Auctioneer in the presence of said Commissioners, to July 1, 1929, and on the later date the same was again offered for sale at which sale A. E. S. Stephens became the purchaser of the entire real estate described in the Bill of Complaint as belonging to the late Solomon Butler, for the sum of One Hundred Ninety ($190.00) Dollars.

Your Special Commissioners ~~further report that after giving Bond as required, and upon the payment to them of the sum of One Hundred Ninety ($190.00) Dollars, the amount of the bid made in this cause by A. E. S. Stephens, the purchaser thereof, they~~ State that they deem the said land sold for its fair value and they therefore recommend Confirmation of the said Sale

E. H. Williams Special Comm.
J. Melvin Lovelace "

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James A. Butler.....Complainant

V. REPORT OF SPECIAL COMMISSIONERS

Emma Butler et als...Defendants

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

James A. Butler.....Complainant

Vs:

Emma Butler et als.....Respondents

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

The undersigned, one of the Commissioners in Chancery for the Circuit Court of the County aforesaid, to whom was referred the papers in the above entitled cause for an execution of a decree, and who in pursuance thereof made an original report in said cause, which was filed on the 22" day of April, 1929, due to an oversight on the making of said original report, failed to report on certain liens of record against certain parties in interest, and herewith makes this as a supplemental report.

Q. And said Commissioner will also report to the Court any other matter especially stated, deemed pertinent by himself or required by any party to be stated.

A. Your Commissioner begs leave to report that the following judgments are found of record in the Clerk's Office of Isle of Wight County affecting the rights of the parties named, who are parties to this suit, viz:

A judgment in favor of R. Lee Seward against Emma Tynes, who is now Jones, for $30.00, with interest thereon from December 1, 1914 till paid and $2.25 costs; same being found of record in Judgment Lien Docket 3, page 183, and was docketed on the 17th day of August, 1915.

A judgment in favor of R. Lee Seward against Emma Tynes, who is now Jones, for $27.57, with int-

erest thereon from June 16, 1922, till paid, and $3.80 costs; same being found of record in Judgment Lien Docket 4, page 124, and was docketed on the 17th day of August, 1922.

A judgment in favor of D. W. Chapman and Company against Emma Tynes, who is now Jones, for $175.00, with interest from October 29, 1922 till paid, and $3.30 costs, which said judgment was docketed in the Clerk's Office of this County on the 9th day of July, 1923, and is of record in Judgment Lien Docket 4, at page 170.

A judgment in favor of J. E. Drewery against Solomon Allen and George Allen for $15.75, with interest from September 10, 1921, till paid, and $3.80 costs, which said judgment was docketed in the Clerk's Office of this County on the 13th day of November, 1923, in Judgment Lien Docket 4, at page 181.

Very Respectfully Submitted,

R. A. Edmunds
Com. In Chancery.

Fee chg'd in
Draft 1st sept.
R.A.E.
Comm.

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James Butler

vs

Emma Butler et als

Supplemental Report

Filed. 5/4/29.

R. A. Edwards.

clk

R. A. EDWARDS
COMMISSIONER IN CHANCERY
CIRCUIT COURT
ISLE OF WIGHT COUNTY
ISLE OF WIGHT, VIRGINIA

VIRGINIA STATIONERY CO.--RICHMOND

I, James A. Butler, for good and valuable consideration do hereby relinquish and release all of my right title and interest in and to the one-half of the farm purchased by my father, Solomon Butler and myself, which was claimed and set off as being the part belonging to my father, Solomon Butler, namely the Eastern portion of the said farm, situate in Isle of Wight County, Virginia.

Dated this 25th day of April, 1929.

James a Butler

James A. Butler being duly sworn deposes and says as follows:

Q. Please state your name, age, residence and occupation.

A. James A. Butler, age 50, live in Suffolk, employed with Planters Nut and Chocolate Company.

Q. You are the plaintiff in this suit brought by yourself against Emma Butler et als for the purpose of dividing your land and that of your late father's, are you not?

A. Yes.

Q. When did your father buy this land?

A. 1905.

Q. Have you and your father ever divided the land?

A. Yes.

Q. When did you divide it?

A. About fifteen (15) years ago.

Q. Is the fence that you run, the line fence?

A. Yes.

Q. Who built the new house on your land?

A. I built it.

Q. About how much did it cost you to build this house?

A. About $1200.00

Q. Where did you get the lumber?

A. From the Shaw Land Timber Company, Ivor, Va.

Q. Who built the house for you?

A. James Branch,

Q. Did you do any of the work yourself?

A. Yes.

Q. Do you want to put the land up to be sold together or do you want to set yours off to yourself?

A. Would rather have mine set off to me.

Q. How many brothers and sisters have you?

A. No brothers. I have three living sisters and two sisters dead.

Q. Did your sisters leave any children?

A. One of my sisters left four children. The other one didn't leave any.

Q. Are they parties to this suit?

A. Yes.

Q. Do you know whether or not all parties interested are parties to this suit?

A. All parties interested are parties to this suit, some of whom are before you.

Q. Do you know whether or not any one of these parties are in position to buy the other share and pay for it?

A. No Sir, I do not.

Q. About how long did you and your father own this land together before you attempted to divide it?

A. Five or six years.

Q. Was it bought with the expectation of dividing it?

A. Yes.

A. Yes.

Q. Did you build the house on your part?

A. Yes.

Q. Is there any house on his part?

A. Yes the homeplace.

Q. Which house was he living in at the time of his death?

A. The Homeplace.

Q. About how many acres of open land are there?

A. About fifty (50) acres, I guess.

And further this deponent sayeth not.

W. D. Joyner being duly sworn deposes and says as follows:

Q. Please state your name, age, residence and occupation.

A. W. D. Joyner, age 36, live in Isle of Wight County and am a merchant.

Q. Mr. Joyner, please state whether or not you are familiar with the tract of land known as the "Soloman Butler Place", located in Isle of Wight County, near what is known as Rattlesnake Bridge?

A. Yes I know of the property and have been upon it several times in my life.

Q. About how many acres of this farm are in open land?

A. About forty (40) acres.

Q. Is there any timber on same?

A. Just some gum timber and old field pines.

Q. Mr. Joyner, can you give me any idea as to the value of the best house of the two that are located on this farm?

A. I should judge about $800.00.

Q. Mr. Joyner, from the suit that has been filed for the division of this land, it appears that there are twelve or fifteen parties interested to share in the division. Do you think it possible to divide this land so that each could have equal proportion satisfactory?

A. I don't think it possible to do it.

Q. What, according to your judgment, is a fair rental value of this entire tract?

A. From $40.00 to $50.00. Not exceeding $50.00.

Q. What do you think would be a fair sale value of entire tract as it stands?

A. From $850.00 to $1200.00.

Q. Then you consider that the new house on the tract is worth practically as much as all the land without the house?

A. I do. At the time of the building of the house.

Q. The house is in fair conditon now, is it not?

A. Yes.

And further this deponent sayeth not.

F. L. Wilson being duly sworn deposes and says as follows:

Q. Please state your name, age, residence and occupation.

A. F. L. Wilson, age 47 years, live in Isle of Wight County and am a farmer.

Q. Are you familiar with the tract of land known as the "Soloman Butler Tract", located near what is known as Rattlesnake Bridge, in this County?

A. Yes.

Q. Is this land located near the County road or not?

A. It is about 200 yards from the road.

Q. About what size place do you think it to be?

A. Not over forty (40) acres open land, and very little timber, if any, on the land of value.

Q. Mr. Wilson, James Butler, who is one-half owner in this tract of land has brought a suit for a division of same. According to your best judgment, do you believe that the property could be divided among the twelve or fifteen parties, who have an interest in it, so that each one would receive a like amount, both in value as well as acreage?

A. No, I do not.

Q. Do you think that it would be to the advantage of all concerned for the land to be sold to the highest bidder and the proceeds divided among those interested?

A. Yes, I do.

Q. If James Butler is a one-half owner in this tract of land and his one-half were set aside to him by the Court, do you think that it would be to the advantage of the other heirs to undertake a division of the remainder in kind, or to make sale of their share and divide the proceeds?

A. I believe it would be to their advantage to make sale of the same and divide the money.

Q. Have you noticed in going upon this property, any indication of

its ever having been divided?

A. Yes, there is a line fence which indicates that the division of the property was attempted between James and his father, by them during the life time of his father.

Q. Do you consider this division, that you noticed, to be a fair division of the land?

A. I can't say definitely as to the wooded land, but if he should happen to have more than one-half of the wooded land, it would be somewhere near right, because I do not believe that he has as much as one-half of the open land.

Q. What, in your opinion, would be a fair rental value of this land?

A. From $40.00 to $60.00 a year.

Q. What would be a fair fee-simple value of this land?

A. From $900.00 to $1200.00.

Q. Did you observe that there were two houses on this tract of land?

A/ Yes.

Q. Please state what their condition was.

A. I should say that the old home place was just a log cabin, while the new house is a fairly good house, worth about $800.00.

Q. Then you consider the new house on the tract is worth about as much as all the land without the house?

A. Yes.

And further this deponent sayeth not.

James Branch being duly sworn deposes and says as follows:

Q. Please state your name, age, residence and occupation.

A. James Branch, age 48, live at Ivor, and work at carpenters trade and lumber business.

Q. Are you familiar with the house that is built on the land that is owned by James Butler and his father?

A. Yes, I built the house.

Q. What did the house cost when new, approximately?

A. Between $1000.00 and $1100.00.

Q. What class of lumber was put in this house?

A. Number one and two lumber.

Q. That is the same kind of lumber that is used in most frame dwelling houses that are built, is it not?

A. It is.

Q. Who did James Butler by the lumber, that went in this house from?

A. From Shaw Land Timber Company.

Q. Who hauled this lumber for James Butler?

A. I did the most of it. James hauled part of it.

Q. Who paid you for the hauling of this lumber?

A. James Butler.

Q. Who paid you for your labor in building this house?

A. James Butler.

Q. Do you know who paid for the lumber that went in the house?

A. James Butler.

Q. Did you notice a dividing fence between his house and the house then occupied by his father?

A. Yes Sir.

Q. Was it your understanding at the time you built the house that James Butler and his father had divided the place and that James was building the house on his part of the land.

A. Yes Sir. That was my understanding.

And further the deponent sayeth not.

Emma Jones being duly sworn deposes and says as follows:

Q. Please state your name, age, residence and occupation.

A. Emma Jones, age 48, live in Smithfield and am a house-keeper.

Q. Are you a daughter of Soloman Butler?

A. Yes Sir.

Q. Please state who the heirs at law of Soloman Butler are, together with their ages and residences as far as you can.

A. Emma Butler, the wife of Soloman Butler and the following living children, viz: Roxie Warren, Smithfield, Va. R.F.D.; Eliza Binford, Windsor, Va. R.F.D.; James Butler, Suffolk, Va.; and myself, Emma Butler Jones, Smithfield, Va., as well as the following children who are dead and who left heirs, viz: Virginia Allen, who left four children, namely: Josephine Liggins, Smithfield, Va. Soloman Arthur Allen, Norfolk, Va. Dolly Ann Jones, Smithfield, Va. and Geol Armistead Allen, Baltimore, Maryland; and Ida Reid who left the following heirs, viz: Sam Reid, her husband, Windsor, Virginia.

Q. Are all the living children and grandchildren of Soloman Butler of age?

A. Yes.

Q. Did you ever know anything about the division of this property between your father and brother, who purchased it jointly?

A. Yes, I understood that they divided it between themselves, and there was a line fence. My father cultivated one portion and James the other, but there never was any survey that I know of, which I believe would have been more satisfactory. I believe the proper thing to do would be to sell the entire tract and divide the proceeds according to the interest of the parties.

Q. Please state if you know of any one of the heirs who will take the entire property and pay to all the others their shares in the same.

A. Don't think any of them will.

And further this deponent saye th not.

Soloman Allen being duly sworn deposes and says as follows:

Q. Please state your name, age, residence and occupation.

A. Soloman Allen, age 59, live in Isle of Wight County and am a farmer.

Q. You have been present here this evening and heard the evidence that has been given. Please state what you know about the division of the property owned by Soloman Butler and his son James.

A. As far as I know, at the time of Soloman Butler's death there had been no division of the land .

Q. You married one of Soloman Butler's daughter's did you not?

A. Yes Sir, the oldest one.

Q. Soloman, do you know who built this/last house on the land that is in question?

A. No Sir, I don't know anything about the building of the house.

Q. Did you ever go up there after the death of Soloman?

A. Yes Sir, to get slabs and so forth,after he died.

Q. During these trips upnthere did you ever see the house being built?

A. Yes sir.

Q. Did you ever hear Emma Butler say she was building the house?

A. No sir, she never said anything about it.

Q. You understood that James was building on his part of the land?

A. Yes sir.

Q. How do you think that the property could be best divided, so that each person having interest in it might receive the same.

A. I don't know hardly, unless it was sold and the money divided.

Q. If Soloman Butler and James, his son, bought this property, together, and James built a house upon same worth from $800.00 to $1000.00, in case of a sale of the entire property as a whole, do you think that James Butler should receive a larger share

of the proceeds than the rest of the children?

A. I think in that case that James would be entitled to a larger share than the rest unless, he had gotten part of the money from the sale of the swamp lumber when that was sold, which, as I understand it, belonged to the estate of Solomon Butler.

Q. Do you know, according to your knowledge, whether or not James Butler received from the sale of the swamp lumber, more of his share than the proceeds?

A. It was my understanding that when the lumber was sold that the indebtedness against it was first paid to the Surry Lumber Company and that out of the remainder, one-half went to James Butler and the rest to the other heirs of Solomon Butler.

And further the deponent sayeth not.

James Butler being recalled deposes and says as follows:

Q. James, there has something been said about lumber cut upon yours and your father's land. Will you state if you had any lumber on your side, if so, if you had as much on your side of the farm, as was on your father's side?

A. There might have been a little more lumber on the part belonging to my father than was on the part belonging to me, but I was entitled to a larger share than the rest of the children because I owned one-half of the land and lumber outright and had a one-sixth interest in the remainder as a child.

Q. Who figured out for you and for your brothers and sisters what your respective share in this lumber was?

A. Mr. Wingfield, purchasing agent for the Surry Lumber Company.

Q. Please state justw when your farther died,and also state just when your two sisters,Virginia Allen and Ida Reid died and if your farther died before your sisters.

A. My farther died before my sisters died,he having died on Dec., 6th 1913,Virginia Allen died June 19th 1925 and Ida Reid died on June 6th 1926.

And further this deponant saith not.

Filed Apr 22-29.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

James A. Butler.....Complainant

Vs:

Emma Butler et als.....Respondents.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

The undersigned, one of the Commissioners in Chancery for the Circuit Court for the County aforesaid, to whom was referred the papers in the above entitled cause, for the execution of a decree entered in said cause on the 7th day of January, 1929, respectfully reports that after having given notice to the parties concerned as will appear from the return of the Sheriff hereto attached did, on the 11th day of February, 1929, at Isle of Wight Courthouse, beginning at one o'clock P. M. execute the said decree and took and reduced to writing the evidence of James A. Butler, W. D. Joyner, F. L. Wilson, James Branch, Emma Jones and Solomon Allen,,, which has been reduced to writing and is herewith returned and made a part of this report, and from such evidence so taken and from an examination of the records in the Clerk's Office of Isle of Wight County is informed and herewith reports as follows:

1. Of what real estate Solomon Butler died, seized and possessed; what parties have an interest therein; their respective shares and how acquired; the location of said property; its fee-simple and annual values; and, who are all the persons who are or can be in any way interested in this suit, and whether all such persons are properly before the Court.

A. Your Commissioner is informed and herewith reports that the aforesaid Solomon Butler died, seized and possessed of a one-half interest in a certain tract, piece or parcel of land containing eighty (80) acres, more or less, and

located in Hardy District, Isle of Wight County, Virginia, near what is known as "Rattlesnake Bridge" and adjoining Geo. A. Bryant et als, which said parcel of land was purchased by the said Solomon Butler and his son James A. Butler, jointly, which said son is the complainant in this suit; and, in addition to the interest of James A. Butler, the complainant, which appears to be, first, a one half undivided interest in and to the tract of 80 acres hereinbefore described, as well as a one-sixth undivided interest in and to the one half of the aforesaid 80 acres of which Solomon Butler died, seized and possessed, The following named parties appear to own the hereinafter mentioned shares, that is to say: Roxanna Warren, a daughter, a one-sixth interest; Emma S. Jones, a daughter, a one-sixth interest; Eliza Binford, a daughter, a one-sixth interest; the children of Virginia Allen, viz: Josephine Liggins, Solomon Arthur Allen, Dollie Anne Jones, and Geo. Armstead Allen, a one-sixth interest, subject however to the courtesy right of Solomon Allen, the husband of Virginia Allen; Emma Butler, the wife of Solomon Butler, a one-sixth interest as representing the share of Ida Reid, deceased., subject however to the courtesy right of Sam Reid, the husband of the said Ida Reid. All of the above interests in and to the property of Solomon Butler, deceased, are subject to the dower rights of his widow, Emma Butler, and all of said interests were acquired through Solomon Butler, the husband, father and grandfather of the parties in interest. Your Commissioner is informed and herewith reports that the annual value of this tract of land as a whole is from $40.00 to $60.00, while its fee simple value as a whole appears to be from $800.00 to $1200.00; and all proper persons appear to be properly before the Court in this cause.

2. Whether the Complainant in this cause is entitled to one-half of the farm of 80 acres described in the bill; Whether the complainant is entitled to reimbursement for money expended on the said property, and what, if anything, will be the

amount due him by reason of the building erected by him on the premises should he not be entitled to any, part of the said land.

A. From the records on file and the testimony taken by your Commissioner, he is reliably informed that the land in question was purchased jointly by Solomon Butler and his son, James; that prior to the death of Solomon Butler a division of the land was agreed upon between them, a partition fence was run by them dividing the property in half; and while no agreement was entered of record showing this transaction, it was generally understood by the interested parties,and James Butler thereupon constructed a building upon his one-half on the land,estimated to have cost him around $1000.00 to $1200.00; therefore, your Commissioner is clearly of the opinion that the one-half of the aforesaid tract of 80 acres, upon which James A. Butler has constructed buildings should be allotted to him as his separate property, and your Commissioner wishes to further report that by agreement between Holland and Lovelace, Council for the complainant and E. H. Williams, Council for the defendants, James A. Butler, the complainant is willing to relinquish all of his interests in and to his father's estate of 40 acres, provided that portion of 40 acres, together with buildings claimed bybhim is allotted to him by the Court, and your Commissioner feels that this agreement is entirely fair.

3. Whether the real estate left by the late Solomon Butler can be conveniently partitioned among the persons entitled thereto:

A. The same cannot be conveniently partitioned among the parties entitled thereto.

4. If partition or allottment cannot be conveniently made, whether any ony of said parties will take the whole and pay to the others such sums of money as their interests therein may entitle them:

A. Your Commissioner is advised that no party

in interest is willing to take the whole and pay to the others such sums as they may be entitled to receive.

5. If partition as aforesaid, cannot be conveniently made and none of the parties will take the whole land and pay the others for their share, whether the interests of the parties who are entitled to the same will be promoted by a sale of the whole and a distribution of the proceeds among them:

A. Since it is impossible to partition the land and no party appears willing to take the whole, your Commissioner believes that it will be to the interest of the parties to make sale of the property belonging to Solomon Butler's Estate and to distribute the proceeds among those entitled thereto.

In event, Your Honor decrees to James A. Butler the house and forty (40) acres, more or less, which is claimed by him, then your Commissioner is advised and herewith reports that the portion of the land belonging to the estate of Solomon Butler, would have an annual value of from $20.00 to $25.00, and a fee-simple value of from $250.00 to $400.00.

Respectfully Submitted

R. A. Edwards
Commissioner.

20.00 Comm. Fee.

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James a. Butler

vs. Com In Chy - Rpart.t

Emma Butler etals

Filed Apr. 22-24.

R. A. Edwards D.C.

R. A. EDWARDS
COMMISSIONER IN CHANCERY
CIRCUIT COURT
ISLE OF WIGHT COUNTY
ISLE OF WIGHT, VIRGINIA

VIRGINIA STATIONERY CO.,--RICHMOND

SMITHFIELD TIMES, SMITHFIELD,

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, SEPTEMBER 12, 1928.

James A. Butler.....Complainant

vs. IN CHANCERY No. 533

Emma Butler, Roxanna Warren, Emma S. Jones, Charlie Jones, Eliza Binford, James Binford, Samuel Reid, Solomon Allen, George Armstead Allen, Nola Mae Allen, Solomon Arthur Allen, Dollie Anne Jones, Charlie Jones, Josephine Liggins.....

..... Defendants.

The object of the above styled suit is to have partition of a certain tract or parcel of land situate, lying, and being in Hardy Magisterial District, Isle of Wight County, Virginia, containing eighty (80) acres, more or less, and bounded by the estate of George A. Bryant and Merritt Eley, formerly Mrs. Martha R. Turner, the County Road and Rattle Snake Swamp; this being the same land that was conveyed to Solomon Butler and James A. Butler by certain deeds, one dated February 7, 1905, and the other dated May 3, 1927, and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia. It appearing by affidavit filed according to law that George Armstead Allen and Nola Mae Allen are non-residents of the State of Virginia. It is ordered that they appear within ten (10) days after due publication of this Order in the Clerk's Office of our said Court to do what is necessary to protect their interests. It is further ordered that this Order be published once a week for four (4) successive weeks in The Smithfield Times, a newspaper printed in Smithfield, Virginia, Isle of Wight County, and having general circulation therein.

And it is further ordered that a copy of this Order be posted on the front door of the Courthouse of said County of Isle of Wight, Virginia, on or before the next succeeding Rule Day, and that another copy of the Order be mailed to the non-resident defendants at their last known postoffice addresses which were given in the affidavit.

Teste:

R. A. EDWARDS, Clerk.

Holland and Lovelace, p. q.

SMITHFIELD, VA., Aug. 28, 1928

I hereby certify thst the foregoing order of publication has been published in The Smithfield Times, a newspaper published in Smithfield, County of Isle of Wight, State of Virginia, for ---4--- successive weeks, beginning Sept. 13, 20, 27 1928 and ending Oct. 4 1928.

R. D. Hunter

Publisher Smithfield Times

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Butler

vs

Butler

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY: September 12th, 1928.

James A. Butler.....Complainant

VS.....IN CHANCERY #533.

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins... .....Defendants

The object of the above styled suit is to have partition of a certain tract or parcel of land situate, lying, and being in Hardy Magisterial District, Isle of Wight, Virginia, containing eighty(80) acres, more or less, and bounded by the estate of George A. Bryant and Merritt Eley, formerly Mrs. Martha R. Turner, the County Road and Rattle Snake Swamp; this being the same land that was conveyed to Solomon Butler and James A. Butler by certain Deeds, one dated February 7, 1905, and the other dated May 3, 1927, and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia. It appearing by Affidavit filed according to law that George Armstead Allen and Nola Mae Allen are non-residents of the State of Virginia, It is ordered that they appear within ten (10) days after due publication of this Order in the Clerk's Office of our said Court to do what is necessary to protect their interests. It is further ordered that this Order be published once a week for four (4) successive weeks in the Smithfield Times, a newspaper printed in Smithfield, Virginia, Isle of Wight County; ~~XX~~

and having general circulation therein.

~~Newspaper being prescribed by said Court, said newspaper is hereby directed to publish same.~~ And it is further ordered that a copy of this Order be posted on the front door of the Court House of said County of Isle of Wight, Virginia, on or before the next succeeding Rule Day, and that another copy of the Order be mailed to the non-resident Defendants at their last known Post Office addresses which were given in the Affidavit.

Teste R. A. Edwards Clerk.

Holland and Lovelace p.q.

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, SEPTEMBER 12TH, 1928.

I, R. A. Edwards, Clerk of the Circuit Court of the County aforesaid, do hereby certify that the foregoing order of publication was this day filed in my office; a copy posted at the front door of the Courthouse of this County; a copy mailed to the Smithfield Times, a newspaper having general circulation in said County, for publication, as the law directs; and, a copy mailed to each of the non-resident defendants named herein, at their last known post-office addresses, as set forth in the affidavit filed herewith.

R. A. Edwards Clerk.

James A. Butler.....Complainant

VS.....IN CHANCERY

Emma Butler, Roxanna Warren,
Emma S. Jones, et als..Defendants

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

9-12-28

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY: September 12th, 1928.

James A. Butler.....Complainant

VS.....IN CHANCERY #533.

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins.... .....Defendants

The object of the above styled suit is to have partition made of a certain tract or parcel of land situate, lying, and being in Hardy Magisterial District, Isle of Wight County, Virginia, containing eighty (80) acres, more or less, and bounded by the estate of George A; Bryant and Merritt Eley, formerly Mrs. Martha R. Turner, the County Road and Rattle Snake Swamp; this being the same land that was conveyed to Solomon Butler and James A. Butler by certain Deeds, one dated February 7, 1905, and the other dated May 3, 1927, and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia. It appearing by Affidavit filed according to law that George Armstead Allen and Nola Mae Allen are non-residents of the State of Virginia, it is ordered that they appear within ten (10) days after due publication of this Order in the Clerk's Office of our said Court to do what is necessary to protect their interests. It is further ordered that this Order be published once a week for four (4) successive weeks in the Smithfield Times, a newspaper printed in Smithfield, Virginia, Isle of Wight County; xx

and having general circulation therein.

~~xxxx

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY: September 12th, 1928.

James A. Butler.....Complainant

VS.....IN CHANCERY #533.

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; SolomonqArthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins...
.....Defendants

The object of the above styled suit is to have partition of a certain tract or parcel of land situate, lying, and being in Hardy Magisterial District, Isle of Wight, Virginia, containing eighty(80) acres, more or less, and bounded by the estate of George A. Bryant and Merritt Eley, formerly Mrs. Martha R. Turner, the County Road and Rattle Snake Swamp; this being the same land that was conveyed to Solomon Butler and James A. Butler by certain Deeds, one dated Febrwary 7, 1905, and the other dated May 3, 1927, and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia. It appearing by Affidavit filed according to law that George Armstead Allen and Nola Mae Allen are non-residents of the State of Virginia, It is ordered that they appear within ten (10) days after due publication of this Order in the Clerk's Office of our said Court to do what is necessary to protect their interests. It is further ordered that this Order be published once a week for four (4) successive weeks in the Smithfield Times, a newspaper printed in Smithfield, Virginia, Isle of Wight County; ms

and having general circulation therein.

~~xxxx

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ISEE OF WIGHT COUNTY: September 12th, 1928.

James A. Butler.....Complainant

VS.....IN CHANCERY #533

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins....
.....Defendants

The object of the above styled suit is to have partition made of a certain tract or parcel of land situate, lying, and being in Hardy Magisterial District, Isle of Wight County, Virginia, containing eighty (80) acres, more or less, and bounded by the estate of George A; Bryant and Merritt Eley, formerly Mrs. Martha R. Turner, the County Road and Rattle Snake Swamp; this being the same land that was conveyed to Solomon Butler and James A. Butler by certain Deeds, one dated February 7, 1905, and the other dated May 3, 1927, and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia. It appearing by Affidavit filed according to law that George Armstead Allen and Nola Mae Allen are non-residents of the State of Virginia, it is ordered that they appear within ten (10) days after due publication of this Order in the Clerk's Office of our said Court to do what is necessary to protect their interests. It is further ordered that this Order be published once a week for four (4) successive weeks in the Smithfield Times, a newspaper printed in Smithfield, Virginia, Isle of Wight County; ME

and having general circulation therein ~~newspaper being prescribed by our said Court, said newspaper is hereby directed to publish same.~~ And it is further ordered that a copy of this Order be posted on the front door of the Court House of said County of Isle of Wight, Virginia, on or before the next succeeding Rule Day, and that another copy of the Order be mailed to the non-resident Defendants at their last known Post Office addresses which were given in the Affidavit.

Teste R. A. Edwards Clerk.

Holland and Lovelace p.q.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

James A. Butler.....Complainant

VS.....AFFIDAVIT AND APPLICATION FOR ORDER OF PUBLICATION

George Armstead Allen and Nola Mae Allen.....Defendants

To the Clerk of the above styled Court:

The object of this suit is to have partition of a certain tract or parcel of land, situate, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, containing eighty (80) acres, more or less, and bounded by the estate of George A. Bryant and Merritt Eley, formerly Mrs. Martha R. Turner, the County Road and Rattle Snake Swamp; this being the same land that was conveyed to Solomon Butler and James A. Butler by certain Deeds, one dated February 7, 1905, and the other dated May 3, 1927, and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia.

In conformity with the law in such cases made and provided and as Counsel for the Complainant in this cause, I hereby make application for Order of Publication against the Defendants, George Armstead Allen and Nola Mae Allen, who live at 514 N. Carrollton, Avenue, Baltimore, Maryland, Which Defendants are non-residents of the State of Virginia, and their last known addresses are given above, and I direct the Clerk to make a certified copy of said Order of Publication when entered and mail to said Defendants, and

certify to the mailing of same as required by the Statute in such cases made and provided.

Holland & Lovelace
Counsel for Complainant.
By J. Melvin Lovelace

STATE OF VIRGINIA,
CITY OF SUFFOLK, to-wit:

I, James A. Butler, being first duly sworn do make oath and say that the above mentioned Defendants, George Armstead Allen and Nola Mae Allen are non-residents of the State of Virginia, and that their last known addresses were

Witness:
J. Melvin Lovelace

James A. Butler
Complainant

Subscribed and sworn to before me, the undersigned Notary Public, in my City aforesaid in the State of Virginia, by James A. Butler, on this 21 day of Aug, 1928.

John Melvin Lovelace
Notary Public

My commission expires: Sept 4, 1930

4

James A. Butler.....Complainant

VS.....AFFIDAVIT AND APPLICATION
FOR ORDER OF PUBLICATION

George Armstead Allen and
Nola Mae Allen.....Defendants

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

9-12-28

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon **Solomon Allen, Dollie Ann Jones, Charlie Jones, Eliza Binford, James Binford, Samuel Reid, Roxanna Warren, Charlie Warren, Emma S. Jones, Charlie Jones, Josephine Liggin, and Thomas Liggin**

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the **Third** Monday in **September**, 192**8**, to answer a bill in chancery, exhibited against **them** in our said Court by **James A. Butler**

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this **18th** day of **Sept**, 192**8**, and in the **153** year of the Commonwealth.

R. A. Edwards Clerk.

Not finding Charlie Jones at his usual place of abode I executed the within subpoena by serving a true copy of the same on Dolly Anna Jones for the said Charlie Jones and explained to her the purport of same. She being a member of the family of the said Charlie Jones and over the age of sixteen years. in the county of Isle of Wight this the 13th day of Sept 1928

W. C. Whitehead Sheriff.

Not finding Charlie Jones at his usual place of abode I executed the within subpoena this the 13th day of Sept 1928 by serving a true copy of the same on Emma S. Jones for the said Charlie Jones and explained to her the purport of same. she being a member o the family of the said Charlie Jones and over the age of sixteen year. in the county of Isle of Wight

W. C. Whitehead Sheriff.

Not finding Thomas Liggin at his usual place of abode I executed the within subpoena this the 13th day of Sept. 1928 by serving a true copy of the same on Josephine Liggin for the said Thomas Liggin and explained to her the purport of same, she being a member of the family of the said Thomas Liggin and over the age of sixteen years in the county of Isle of Wight.

W. C. Whitehead Sheriff.

2

James A. Butler

vs. CHANCERY NO.

Solomon Allen et ale

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit Court of the County of Isle of Wight.

....., 19.....

Returned, entered and filed.

Teste:

.....*Clerk*

To Third Mon. Sept. *Rules* 19 28

Holland & Smelace *p. q.*

Executed the within subpoena this the 15th day of Sept. 1928 by serving a true copy of the same on Solomon Allen, Dolly Ann Jones, Eliza Binford, James Binford, Samuel Reid, Roxenne Warren, Emma S. Jones and Josephine Liggin in person and on Dolly Ann Jones, wife, for Charlie Jones, Emma S. Jones, wife, for Thomas Liggin in the County of Isle of Wight.

The within named Charlie Warren being deceased.

W. C. Whitehead Sheriff

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon **Charlie Warren**

(Dead)

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in September, 1928, to answer a bill in chancery, exhibited against them et als in our said Court by Jesse A. Butler

Cannot serve
Party Deceased
Sept 14th 1928
W. C. Whitehead Sheriff

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 12th day of September, 1928, and in the 153 year of the Commonwealth.

R. A. Edwards Clerk.

Charlie Warren

Smithfield

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Soloman Allen; George Armstead Allen; Nola mae Allen; Soloman Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins.

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the 3 Monday in May, 1928, to answer a bill in chancery, exhibited against them in our said Court by James Butler.

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 12 day of May, 1928, and in the 152 year of the Commonwealth.

R. A. Edwards Clerk.

We hereby accept due and legal service of the within summons.

Emma Butler
Roxanna Warren
Emma S. Jones
Charlie Jones
Eliza Binford
James Binford
Samuel Reid
Solomon Allen
George Armstead Allen
Nola Mae Allen
Solomon Arthur Allen
Dollie Anne Jones
Josephine Liggins.
Charlie Jones.

By: Geo. F. Whitley,
Attorney

2

Jas. A. Butler

vs. } CHANCERY NO. 533

Emma Butler et al

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit Court of the County of Isle of Wight.

....., 19.....

Returned, entered and filed.

Teste:

.....*Clerk*

To 2nd May *Rules*

19.28

H.L. Harwood *p. q.*

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

James A. Butler.....Complainant

VS.....BILL OF COMPLAINT

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins.....
.....Defendants

To the Circuit Court of the said County:

Humbly complaining, show unto the Court, your orator, James A. Butler, that he is one of the surviving children of Solomon Butler, deceased, and that the Defendants herein are all either children or grandchildren or husbands and wives of the said children or grandchildren of the late Solomon Butler, with the exception of Emma Butler, who is the widow of the late Solomon Butler; that at the time of the death of the said Solomon Butler, your orator was one-half owner, with the said Solomon Butler to a certain tract or parcel of land, hereinafter described, containing eighty (80) acres, more or less, as will appear from two certain Deeds recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, one dated February 7, 1905, and recorded in Deed Book 75 at page 147, and the other dated May 5, 1927, and recorded July 29, 1927 in Deed Book 99 at page 214; that after the purchase of the said tract of land by your orator and the said Solomon Butler, they agreed to divide the said farm, of eighty (80) acres, more or less, and that a line was agreed upon between themselves, a line fence run along the agreed line, at least a portion of the way; that your orator after the said agreed division was made, expended around Three Thousand ($3000.00) Dollars, in erecting a home on his portion of the said tract of land, there being no house on his portion of the land at the time the division

was made.

Your orator is fee simple owner of one-half of the said tract of land containing eighty (80) acres, and is a part owner of the other one-half of the said tract of land, by reason of his relation to the said Solomon Butler, deceased, and the object of this suit is to procure a partition thereof in some method prescribed by law. Owing to the small size of said property it is obvious that a partition in kind is wholly impossible and not one of the co-owners is willing to take said property at its value and pay to the co-owners the value of their respective shares, and your orator will allege that it is to the advantage and interest of all parties concerned that he be allowed his one-half of the said farm, the same to be set off and conveyed to him, according to the agreement and understanding between your orator and the said Solomon Butler, and that the other one-half of the farm, which belonged to the said Solomon Butler, be sold in order to effect a partition and the proceeds of the sale be divided by the Court amongst the various parties according to their respective rights in said lot of land.

A sufficient history of the title in said property of the present owners and a description thereof will now be given to the original tract, and later the description to the two tracts after the division was made:

Original Tract:

All that certain tract, piece or parcel of land lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, containing eighty (80) acres, more or less, and bounded by the estate of George A. Bryant, Merritt Eley, formerly Mrs. Martha R. Turner, the County Road, and Rattle Snake Swamp; this being the same land that was conveyed to the said Solomon Butler and James A. Butler by the two deeds hereinbefore referred to.

Tract allotted to James A. Butler, your orator.

All that certain tract, piece or parcel of land, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road and the estate of the late G. A. Bryant; on the West by the land of Doctor R. I. Seward and Surry Lumber Company; on the East by a line fence running North and South, said fence having been placed there by James A. Butler, and the late Solomon Butler, who owned jointly a tract of land of approximately eighty (80) acres, more or less. The said tract of land herein mentioned contains by extimation, forty (40) acres more or less.

Tract allotted to Solomon Butler

All that certain tract, piece or parcel of land lying, and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road, and the estate of the late George A. Bryant; on the West by a division fence running practically North and South, and dividing the tract of land, practically in half, bought by Solomon Butler and James Butler; on the South by the main run of Rattle Snake Swamp and the land of Doctor R. I. Seward and Surry Lumber Company; on the East by the land of Surry Lumber Company, and containing forty (40) acres, more or less. This is approximately one-half (½) (by estimation) of the above mentioned tract of land of eighty (80) acres conveyed jointly to Solomon Butler and James Butler, as will appear from Deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75 at page 147, and also by Deed dated May 3, 1927, and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99 at page 214.

Inasmuch as your orator is remediless in the premises save in a Court of Equity, where such matters are alone cognizable, he prays that the said Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins be made parties Defendant to this Bill and be required to answer the same but answers under oath are hereby expressly waived; That your orator be given fee simple title to his one-half interest to this said tract of land, and hereinbefore described as "Tract allotted to James A. Butler, your orator", on which your said orator built a Three Thousand ($3000.00) Dollar home; that partition of the other one-half (½) of the original tract, hereinbefore described as the

"Original Tract", and further described as the "Tract allotted to Solomon Butler", may be made and decreed in some manner prescribed by the statute, preferably by a sale of the whole thereof and division of the proceeds of the same amongst the owners according to their interests; that should the Court fail to convey to your orator fee simple title to the one-half (½) of the original tract, that he be paid out of the proceeds of the whole tract of land a refund of the money expended by him in the erection of the aforementioned house, built by him, which has greatly enhanced the value of the said land; that all proper accounts and inquiries may be directed and taken; and that your orator may receive all such other and further general relief as to equity may seem meet and the nature of his case may require.

JAMES A. BUTLER

By J. Melvin Lovelace
His Counsel

HOLLAND & LOVELACE
P.Q.

3

James A. Butler...Complainant

VS.....BILL OF COMPLAINT 533

Emma Butler, Et Als.

Def. 10 dd

~~9/12~~ - 287.

nae

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

HUGH L. HOLLAND
J. MELVIN LOVELACE

August 23, 1928.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Va.

In re: James A. Butler
vs
Emma Butler et als.

Dear Gus:

I will thank you to have process issued in the above styled matter, and served as the law directs. You will address to the Sheriff of Isle of Wight County subpoenas against the following:

Solomon Allen	Eliza Binford
Dollie Anne Jones	James Binford
Charlie Jones	Samuel Reid

(Post Office address-Windsor, Virginia, R. F. D. #3)

Roxanna Warren	Charlie Jones
Charlie Warren	Josephine Liggins
Emma S. Jones	Thomas Liggins

(Post Office address-Smithfield, Virginia)

You may address one subpoena to the Sheriff of Norfolk County for Solomon Arthur Allen. I am enclosing herewith an Application for an Order of Publication against George Armstead Allen and Nola Mae Allen.

We had thought that Mr. Whitley would accept service in all of these cases thereby eliminating the unnecessary cost, but it seems that he is somewhat dubious about doing so. If you wish any further deposit in this matter, please let us know and we will forward same to you.

With kind regards, we are,

Yours very truly,

HOLLAND & LOVELACE

BY J. Melvin Lovelace

Send subpoena of Solomon Arthur Allen to us

JML/MB

CLERK'S OFFICE

CIRCUIT COURT OF ISLE OF WIGHT COUNTY

ISLE OF WIGHT, VIRGINIA

R. A. EDWARDS, CLERK
AND COMMISSIONER IN CHANCERY

September 12th,1928.

Messrs Holland & Lovelace,Atty's,

Suffolk, Virginia.

Gentlemen-,

Re Jas. A. Butler Vs. Emma Butler et als.

I have yours of recent date concerning the above and have issued process returnable to Third Monday in September next,I have also completed order of publication and have fowarded same to the Smithfield Times and it will begin this week.I herewith enclose subpoena for Soloman Arthur Allen of Norfolk County as requested by you which you can foward to the Sheriff there.As you may remember this case went upon the docket by consent,process service having been accepted by George Whitley for all the defendants,however in as much as he now wishes to withdraw same and have the suit mature regularly at Rules I cannot see anything to do but to dismiss the original suit for lack of answers or bill and enter same as a new suit,this will necessitate payment of two writ taxes to be sure and a little additional cost to Clerk, but at the same time for the sake of keeping the records clear it would seem best to me,however will await your reply before acting upon same.I notice in your affidavit for order of publication that the last known Post Office address was not given,therefore I cannot mail out copy of order until I hear from you,will await further advice on the matter.The deposit originally made is sufficient for the time being after taking out earned cost on the first suit

Very Truly Yours,

COMMONWEALTH ATTORNEY
FOR ISLE OF WIGHT COUNTY

GEORGE F. WHITLEY
Attorney at Law
SMITHFIELD, VIRGINIA

May 14, 1928.

Mr. R. A. Edwards,
Isle of Wight, Virginia.

Dear Gus:

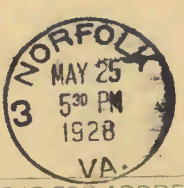
I am herewith inclosing summons in the Butler suit, service of which I have accepted for the defendants.

GFW/b: Yours truly,

Incl.

GEO. F. WHITLEY.

By: M. V.



THIS SIDE OF CARD IS FOR ADDRESS

Mr. R. A. Edwards.
Isle of Wight.
Va.

May 15-28

Dear Gus.

Am sending Hugh Holland a decree in James A. Miller & Emma Miller suit. The day Mr. Whitley gives file some answers later. This can't be done with the decree in its present shape. So just hold the decree until the answers are filed.

Yours B. D. W.

J. MELVIN LOVELACE

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

May 26, 1928.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Va.

In re: James A. Butler
vs
Emma Butler et als.

Dear Gus:

I hand you herewith Decree just received from Judge White in this suit. Judge White states that he has written you to hold this Decree until Mr. Whitley files his Answers. We are anxious to bring this suit up and have it disposed of as soon as possible. If these Answers are not filed within the next few days by Mr. Whitley, which I am requesting him to do by this mail, I will thank you very much to remind him of this matter for us and tell him that we are anxious to have these Answers filed, so that notice of taking depositions may be issued and served.

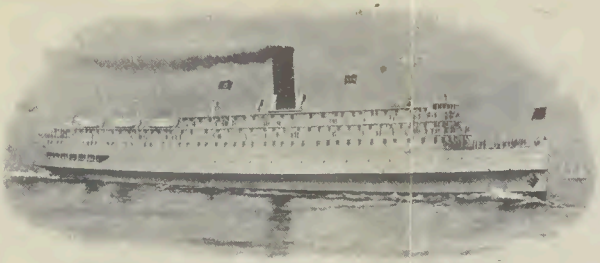
Yours very truly,

Hugh L. Holland.

HLH/MB
Enc.

BALTIMORE STEAM PACKET COMPANY

(Old Bay Line)



FREIGHT AND PASSENGER SERVICE SINCE 1840

BETWEEN

BALTIMORE
OLD POINT COMFORT
AND
NORFOLK
PORTSMOUTH

STEAMERS SAIL DAILY FROM BALTIMORE AND NORFOLK AT 6:30 P.M.

MEMORANDUM

Docket this on
Court Docket.

See Judge's
post Card.

6/6/18 Called
Geo M. L. and
Not home Cue.
Mary.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

HUGH L. HOLLAND
J. MELVIN LOVELACE

May 7, 1928.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Va.

In re: James A. Butler
vs
Emma Butler Et Als

Dear Gus:

I enclose you herewith a Bill of Complaint and Memorandum, which I will thank you to file in the above styled matter, also check for $10.00, writ tax and deposit. You will make one original and one copy for the Defendants, send the same to Mr. George Whitley, who is the Attorney for the Defendants, and he will accept service for them, thereby saving a great deal of expense and trouble in the matter.

With kind regards, I am,

Yours very truly,

Hugh L. Holland,

JMM/MB
Enc.
C. C. To: George F. Whitley,
Smithfield, Va.

Butler

B Q.

Butler

Certificate of Board
Canning Town Grain
Trade

R. H. Evans Esq.
ccl

Everett Waddey Co. Stationers and Printers Richmond, Va. | Form No. 310—Clerk's Certificate that Commisioner has given Bond. Code 1919, Sec. 6269.

Virginia: In the Clerk's Office of the Circuit **Court of the** County **of** Isle of Wight

James A. Butler, Plaintiff,

AGAINST

Emma Butler et als #533, Defendants,

I, R. A. Edwards, Clerk of the said Court, do certify that the bond required of the Special Commissioner by the decree rendered in said cause on the 14th day of May, 1929, has been duly given.

Given under my hand as Clerk of the said Court, this 14th day of May, 1929.

R. A. Edwards, Clerk

No.

Know all Men by These Presents: That we J. M. Lovelace and E. H. Williams principal s,

and

The Fidelity and Deposit Company of Maryland surety,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One Thousand Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said J. Melvin Lovelace and E. H. Williams principal s and the said The Fidelity and Deposit Company of Maryland surety, by R. A. Edwards, its duly authorized agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested by the signature of the said R. A. Edwards, its said agent and attorney in fact, this, the 14th day of May A. D. 19 29.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound J. M. Lovelace and E. H. Williams, who were by a decree entered in the Chancery cause in the Circuit Court of Isle of Wight County, on the 14th day of May, 1929, underthe style of James A. Butler vs Emma Butler et als, docket no. 533, appointed Special Commissioners for the sale of real estate,

shall faithfully discharge the duties of his office or trust as such Special Commissioners, then the above obligation to be void, or else to remain in full force and virtue.

E. H. Williams [SEAL]
J. Melvin Lovelace. (Seal)

Fidelity and Deposit Company of Maryland

By R. A. Edwards
Attorney-in-Fact

Its duly authorized agent and attorney in fact.

Attest: R. A. Edwards.

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 14th day of May 19 29, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

R. A. Edwards Clerk.

12

Jno. a Butler
vs
Eq # 533

Emma a Butler et. al.

a copy of Dem Lwsk.
Fried.
5/14/29
R. U. Edwards.
clk.

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va. } Form No. 400.

Commissioner's Office,

Isle Of Wight C. H. January 22nd 1899.

To Emma Butler, Roxanna Warren, Emma S. Jones, Charlie Jones, Eliza Binford, James Binford, Samuel Reid, Soloman Allen, George Armstead Allen, Nola Lee Allen, Soloman Arthur Allen, Dollie Anne Jones, Charlie Jones, and Josephine Liggins,

You are hereby notified that I have fixed upon the 11th day of February 1899, next, beginning at One Oclock P. M. ~~if fair, if not, on the next fair day thereafter (Sunday excepted)~~, to take and state, at my office, the account of James A. Butler, Vs. Emma Butler et als,

required to be taken by a decree of the Circuit Court of the County of Isle Of Wight rendered on the 7th day of January 1899, in a suit in chancery depending in said Court between James A. Butler Vs. Emma Butler et als.,

at which time and place you are ~~required to attend~~ at liberty to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

R. A. Edwards.
Commissioner In Chancery.

Geo. A. Allen

FORM No. 400.

James A. Butler

vs. } **COMMISSIONER'S NOTICE.**

Emma Butler et als

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 400.

Commissioner's Office,

Isle of Wigh t C.H. Jan.22nd, 1929~~189~~

To Emma Butler, Roxanna Warren, Emma E. Jones, Charlie Jones, Eliza Binford, James Binford, Samuel Reid, Solomon Allen, George Armstead Allen Nola Mae Allen, Solomon Arthur Allen, Dollie Ann Jones, Charlie Jones and Josephine Liggins

You are hereby notified that I have fixed upon the 11th day of February, 1929 next, beginning at one o'clock P.M. ~~if fair, if not, on the next fair day thereafter~~ (Sunday excepted), to take and state, at my office, the account of James A. Butler vs Emma Butler et als

required to be taken by a decree of the Circuit Court of the County of Isle of Wight rendered on the 7th day of January, 1929 ~~189~~, in a suit in chancery depending in said Court between James A. Butler vs Emma Butler et als

at which time and place you are ~~required to attend~~ liberty to attend.

Given under my hand as Commissioner in chancery of the said court, the day and year first aforesaid.

R. A. Edwards.
Commissioner in Chancery

Solomon Arthur Allen

Form No. 400.

vs.

James A. Butler

COMMISSIONER'S NOTICE.

Emma Butler et al.

Executed a Service received this the
24th day of Feb. 1939 with the Copies
of Solomon Arthur Allen and
Ida A Allen both not to be found
in my Bailiwick
W. C. Whitaker Sheriff.

THIS DEED, Made this 17th day of April, 1928, by and between James Butler and Martha S. Butler, his wife, of the City of Suffolk, parties of the first part and Emma Butler, widow of Solomon Butler, deceased; Roxanna Warren, daughter of Solomon Butler, deceased; Emma S. Jones, daughter of Solomon Butler, deceased; Eliza Binford, daughter of Solomon Butler, deceased; Samuel Reid, husband of Ida F. Reid, daughter of the said Solomon Butler; Solomon Allen, husband of Virginia Allen, deceased, she being the daughter of the said Solomon Butler; Josephine Liggins, daughter of Virginia Allen, deceased, and granddaughter of the said Solomon Butler; George Armstead Allen, son of Virginia Allen, deceased, and grandson of the late Solomon Butler; Solomon Arthur Allen, son of Virginia Allen, deceased, and grandson of the late Solomon Butler; Dollie Anne Jones, daughter of Virginia Allen, deceased, and granddaughter of the late Solomon Butler, of Isle of Wight County, Virginia, parties of the second part.

WHEREAS, Solomon Butler, now deceased, was the father of the said James Butler and five (5) other children, namely, (1) Roxanna Warren, (2) Emma S. Jones, (3) Eliza Binford, (4) Ida F. Reid, now deceased, leaving no children, but leaving her husband, Samuel Reid; and (5) Virginia Allen, now deceased, leaving her husband, Solomon Allen and four (4) children, who are the grandchildren of Solomon Butler, deceased, namely, George Armstead Allen, Solomon Arthur Allen, Dollie Anne Jones, and Josephine Liggins; and,

WHEREAS, said Solomon Butler, now deceased, and said James Butler were the joint owners of a certain tract of land in Hardy Magisterial District, Isle of Wight County, Virginia, containing eighty (80) acres, more or less, which said tract of land was conveyed to said Solomon Butler and James Butler, by a certain

Deed ~~of trust~~ dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75, at page 147, and also by another Deed dated May 3, 1927, and recorded July 29, 1927 in Deed Book No. 99, at page 214 in the said Clerk's Office of the Circuit Court of Isle of Wight County, Virginia; and,

WHEREAS, since the death of said Solomon Butler it has been agreed between said James Butler and the parties of the second part, who are the widow and other heirs at law of said Solomon Butler, deceased, to partition and divide said tract of eighty (80) acres of land by two Deeds, namely by this Deed from James Butler and Martha S. Butler, his wife, to the above named parties of the second part, and also by another Deed from the said parties of the second part together with their husbands and wives, to said James Butler.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of FIVE ($5.00) DOLLARS to them cash in hand paid, the receipt of which is hereby acknowledged, and in consideration of the premises above stated, the said parties of the first part do grant all their right title and interest of every kind and description in and to the following real estate, to-wit:

All of that certain tract, peice or parcel of land lying, and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road, and the estate of the late George A. Bryant; on the West by a division fence running practically North and South, and dividing the tract of land, parctically in half, bought by Solomon Butler and James Butler; on the South by the main run of Rattle Snake Swamp and the land of Doctor R. L. Seward and Surry Lumber Company; on the East by the land of Surry Lumber Company, and containing forty (40) acres, more or less, conveyance made in gross and not by the acre. This is approximately one-half (½) (by estimation) of the above mentioned tract of land of eighty (80) acres conveyed jointly to Solomon Butler and James Butler, as will appear from Deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75 at page 147, and also by Deed dated May 3, 1927, and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99, page 214.

It is understood and agreed between all parties hereto that the said parties of the second part are receiving under this Deed such shares and proportions in the rights hereby conveyed as they are entitled to receive as the widow and heirs at law of Solomon, Butler, deceased.

The grantors herein covenant that they have the right to convey their interests in the said land to the grantees; that they have done no act to encumber their interests in the said land, that the grantees shall have quiet possession of their interests in the land, free from all encumbrances, and that they, the said parties of the first part, will execute such further assurance of their interests in the said land as may be requisite.

Witness the following signatures and seals.

_____(SEAL)

_____(SEAL)

STATE OF VIRGINIA,

CITY OF SUFFOLK, to-wit:

I, a Notary Public, in and for the City aforesaid, in the State of Virginia, do certify that James Butler and Martha S. Butler, whose names are signed to the foregoing writing bearing date on the 17th day of April, 1928, have acknowledged the same before me in my City aforesaid.

Given under my hand this_____day of_____1928.

_____
Notary Public

My commission expires on the_____day of_____19___.

James Butler and
Martha S. Butler

TO.....DEED OF B. &. S.

Roxanna Warren Et Als.

These papers need not
now be recorded
as this Suit.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

THIS DEED, Made this 17th day of April, 1928, by and between Emma Butler, widow of the late Solomon Butler, Roxanna Warren, (widow), daughter of Solomon Butler, deceased; Emma S. Jones, daughter of Solomon Butler, deceased and Charlie Jones, her husband; Eliza Binford, daughter of Solomon Butler, deceased, and James Binford, her husband; Samuel Reid, husband of Ida F. Reid, deceased, who was the daughter of Solomon Butler, deceased; Solomon Allen, husband of Virginia Allen, deceased, who was the daughter of Solomon Butler, deceased; George Armstead Allen, son of Virginia Allen, deceased, and grandson of Solomon Butler, deceased, and Nola Mae Allen, his wife; Solomon Arthur Allen, unmarried, son of Virginia Allen, deceased, and grandson of Solomon Butler, deceased; Dollie Anne Jones, daughter of Virginia Allen, deceased and granddaughter of Solomon Butler, deceased, and Charlie Jones, her husband; Josephine Liggins, daughter of Virginia Allen, deceased, and granddaughter of Solomon Butler, deceased, parties of the first part, and James Butler, party of the second part.

WHEREAS, Solomon Butler, father of said James Butler, died leaving the said James Butler and the said parties of the first part as his widow and heirs at law; and

WHEREAS, said Solomon Butler and James Butler were the joint owners of a certain tract of eighty (80) acres of land in Hardy Magisterial District, Isle of Wight County, Virginia, as will appear by two certain Deeds recorded in the Clerk's Office of the Circuit Court of Isle of Wight,County, Virginia, namely, said Deeds dated February 7, 1905 and recorded in Deed Book No. 75, at page 147, and dated May 3, 1927 and recorded July 29, 1927 in Deed Book No. 99, at page 214, respectively; and

WHEREAS, It has been agreed between said James Butler and all the other heirs at law of Solomon Butler, deceased, and the widow of Solomon Butler, deceased, that they would divide said tract of eighty (80) acres of land by two Deeds. This agreement is being carried out by a certain Deed of even date herewith from James Butler and Martha S. Butler, his wife, to the said widow and heirs at law of said Solomon Butler, deceased, conveying to them all the rights of the said James Butler in forty (40) acres of said eighty (80) acres, said forty (40) acres being described in said Deed, and also by this Deed from said widow and heirs at law of Solomon Butler, deceased, together with their husbands and wives, conveying to said James Butler all their right title and interest in the other one-half (½) or remaining forty (40) acres of said original tract.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of FIVE ($5.00) DOLLARS to them cash in hand paid, the receipt of which is hereby acknowledged, and in the further consideration of the above premises, the said parties of the first part do grant with general warranty all of their right title and interest in and to the following described real estate, to-wit:

All of that certain tract, piece or parcel of land, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows; Bounded on the North by the County Road and the estate of the late G. A. Bryant; on the West by the land of Doctor R. L. Seward and Surry Lumber Company; on the East by a line fence running North and South, said fence having been placed there by the Grantee herein, and the late Solomon Butler, who owned jointly a tract of land of approximately eighty (80) acres, more or less, one-half (½) of which tract of land is being hereby conveyed. The said tract of land herein conveyed contains by estimation, forty (40) acres more or less, said conveyance being made in gross and not by the acre.

The above described tract of land, containing forty (40) acres, more or less, being approximately one-half (½) of said original tract of eighty (80) acres that was conveyed to Solomon Butler and James Butler jointly by a certain Deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75 at page 147, and by Deed dated May 3, 1927 and recorded July 29, 1927 in Deed Book No. 99, at page 214 in said Clerk's Office.

The parties of the first part are the widow and the only heirs at law of the said Solomon Butler, deceased, with the exception of the grantee herein, James Butler, who was joint owner with said Solomon Butler of said original tract of eighty (80) acres, one-half (½) of which is being hereby conveyed. This conveyance together with the rights already owned by James Butler in the above described tract of land, by being one of the grantees in the above referred to Deeds and also by being one of the heirs of Solomon Butler, deceased, make and constitute the said James Butler sole fee simple owner of the above described tract of forty (40) acres of land.

The grantors herein covenant that they have the right to convey their interests in the said land to the grantee ; that they have done no act to encumber their interests in the said land, that the grantee shall have quiet possession of their interests in the land, free from all encumbrances, and that they, the said parties of the first part, will execute such further assurance of their interests in the said land as may be requisite.

Witness the following signatures and seals.

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

STATE OF MARYLAND,

CITY OF BALTIMORE, to-wit:

I, a Notary Public, in and for the City aforesaid, in the State of Maryland, do certify that_____

_____

_____

Whose names are signed to the foregoing writing bearing date on the 17th day of April, 1928, have acknowledged the same before me in my City aforesaid.

Given under my hand this____day of____1928.

_____
Notary Public

My commission expires on
the___day of_____19 .

STATE OF VIRGINIA,

ISLE OF WIGHT COUNTY, to-wit:

I, a Notary Public, in and for the County aforesaid, in the State of Virginia, do certify that

_____

_____

_____

Whose names are signed to the foregoing writing bearing date on the 17th day of April, 1928, have acknowledged the same before me in my County aforesaid.

Given under my hand this_____day of_____1928.

_____
Notary Public

My commission expires on the____day of_____19 .

STATE OF VIRGINIA,

ISLE OF WIGHT COUNTY, to-wit,

I, A Notary Public, in and for the County aforesaid, in the State of Virginia, do certify that

_____

_____

_____

whose names are signed to the foregoing writing bearing date on the 17th day of April, 1928, have acknowledged the same before me in my County aforesaid.

Given under my hand this_____day of_____1928.

_____
Notary Public

My commission expires on the_____day of_____19 .

Roxanna Warren, Et Als

TO.....DEED OF B. &. S.

James Butler

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

James A. Butler.....Complainant

VS.....MEMORANDUM

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins.....
.....Defendants

To the Circuit Court of the said County:

Please issue summons against the Defendants for the Complainant to ~~Second~~ May (1928) Rules in Chancery.

J. Melvin Loyd

1

James A. Butler....Complainant

VS.....MEMORANDUM 733

Emma Butler Et Als.

9/12
~~May 12~~ - 28

Def. 10 00

Pro. Issued.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

James A. Butler,.....Complainant

vs.

Emma Butler, Roxanna Warren, Emma S. Jones, Charlie Jones, Eliza Binford, James Binford, Samuel Reid, Solomon Allen, George Armstead Allen, Nola Mae Allen, Solomon Arthur Allen and Josephine Liggins,.....Defendants

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This cause came on this day to be again heard on the papers formerly read and on the report ~~of payments~~ of E. H. Williams and J. Melvin Lovelace, Special Commissioners, this day by leave of Court filed, to which report there are no exceptions, and was argued by counsel:

And it appearing from the said report, and from the vouchers therewith filed, that the said Special Commissioners have disbursed the funds in this suit as follows:

Amount of purchase price of land $190.00

By Pd. 5% commissions to Spec'l Comrs,.....	$ 9.50
By Pd. R. A. Edwards, Clerk, one-half of court cost,.....	36.65 ✓
By Pd. R. A. Edwards, one-half of delinquent taxes on Solomon Butler land for 1926 and 1927.....	26.68 ✓
By Pd. One-half 1928 delinquent tax and one-half 1929 current tax.....	22.59 ✓
By Pd. Piland Printing Co., for hand bills.....	6.00 ✓
By Pd. R. A. Edwards, Premium on Bond.....	5.00 ✓
By Pd. Spec'l Comissioners for drawing deed.....	10.00 ✓

By Pd.	Dr. R. Lee Seward on judgment vs. Emma Jones, who was Tynes.,	$15.00	
By Pd.	Emma Butler, commuted dower interest,.....	18.08	
By Pd	W. H. Williams, Atty for ~~the~~ Parsons Warren, ~~Emma~~s. Jones, Charlie Jones, Elva Binford, James Binford, Samuel Reid, Solmon Allen, Solomon Carter Allen, and Josephine Liggins	40.50	
		$190.00	$190.00

On consideration whereof, the Court confirming the said report, doth adjudge, order and decree that the said Special Commissioners be discharged from any further liability under their bond as such Special Commissioners; and it further appearing to the Court that nothing further remains to be done in this cause, it is ordered that it be stricken from the docket.

16.

Jas. A. Butler.....
Complainant

vs) In Chancery

Emma Butler et als.....
.....Defendants

1430
Oct 15.

8-563

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

James A. Butler.....Complainant

V. DECREE

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Josephine Liggins.....Defendants

This cause came on this day to be again heard upon the papers formerly read as well as on the Report of J. Melvin Lovelace and E. H. Williams, Special Commissioners, duly appointed as such by Decree entered herein on the 14th day of May, 1929, directing said Commissioners to make sale of the real estate in the bill and proceedings mentioned as belonging to the late Solomon Butler, which said report was this day filed by leave of Court and was argued by Counsel, and

It appears from the said report that the said Special Commissioners, J. Melvin Lovelace and E. H. Williams, having executed the Bond required of them by said Decree have sold the real estate in the bill and proceedings mentioned and described, in accordance with the terms of the said Decree, to A. E. S. Stephens, for the sum of One Hundred Ninety ($190.00) Dollars, to be paid in cash.

On consideration whereof, the Court doth approve and confirm said Report, and doth adjudge, order and decree that the sale therein reported and above referred to be and the same is hereby declared to be firm and binding.

And it further appearing to the Court that the said purchaser desires to pay the entire purchase price in cash, the Court doth adjudge, order and decree that J. Melvin Lovelace and E. H. Williams,

Special Commissioners, as aforesaid, be and hereby are authorized and directed upon the receipt of the said purchase money for the said real estate, to execute and deliver to the purchaser a Deed with SPECIAL WARRANTY for the said real estate in the bill and proceedings mentioned, as belonging to the late Solomon Butler, and out of the proceeds of sale, the said Commissioners are directed to pay ~~first~~ all costs and expense of this suit ~~at~~ and said sale, including a fee to R. A. Edwards, Commissioner in Chancery, of Twenty ($20.00) Dollars, and a fee of Fifteen ($15.00) Dollars to Holland & Lovelace for their services as Counsel in this cause.

The Court doth further adjudge, order and decree that the said J. Melvin Lovelace and E. H. Williams, Special Commissioners, shall pay the balance of the proceeds of the sale to E. H. Williams, Attorney for all Defendants in this cause, as set forth and stated in the Report of R. A. Edwards, Commissioner in Chancery, filed in this cause, except the interest belonging to Emma S. Tynes, now Emma S. Jones, by reason of the said sale, as there appears against the said Emma S. Tynes, now Emma S. Jones, certain judgments duly docketed in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia. The said Special Commissioners are directed to make report of all their proceedings hereunto this Court and this cause is continued.

14.

#533

James A. Butler.....Complainant

V. DECREE

Emma Butler et als..Defendants

1929
Sept 3
Entered

8-526

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF

ISLE OF WIGHT COUNTY.

James A. Butler.....Complainant

V. DECREE

Emma Butler; Roxanna Warren; Emma S. Jones;
Charlie Jones; Eliza Binford; James Binford;
Samuel Reid; Solomon Allen; George Armstead
Allen; Nola Mae Allen; Solomon Arthur Allen;
Josephine Liggins.....Defendants

This cause, came on this day to be again heard upon the papers formerly read and upon the Report and supplemental report of Commissioner, R. A. Edwards, filed in the Clerk's Office on the 22nd day of April, 1929, to which no exceptions have been taken and was argued by Counsel. And it appearing to the Court from said Reports, which Reports the Court doth approve and confirm, that the original tract of land of eighty (80) acres, more or less, described in the Bill of Complaint was owned jointly by James A. Butler and the estate of Solomon Butler, deceased; that said original tract of eighty (80) acres, more or less, was divided in the life-time of Solomon Butler, deceased, between Solomon Butler, now deceased, and James A. Butler by the running of a cross fence somewhat North and South, giving the land on the Western side of said cross fence to James A. Butler and the land on the Eastern side of said cross fence to Solomon Butler; that this division was never carried out by the execution of a Partition Deed, but that since the institution of this suit all the parties thereto, consisting of all of the heirs of Solomon Butler, deceased, and also his widow, as shown by their consent to this Decree, have agreed that said cross fence shall be the true dividing line; And it further appearing from said Reports that this is a fair and

equitable division of the original tract of eighty (80) acres, more or less. It is hereby ordered that that part of said original tract of eighty (80) adres, more or less, lying on the Western side of said fence shall be the property of James A. Butler in fee simple and free from any dower rights of Emma Butler, widow of Solomon Butler, deceased, and that the remaining part of original tract of eighty (80) acres, more or less, being that part of said original tract lying on the Eastern side of said cross fence is hereby declared to be the property of the widow and heirs of Solomon Butler, deceased, exclusive of James A. Butler, who has agreed to relinquish his rights in said part lying on the Eastern side of said cross fence as an heir of his father Solomon Butler, deceased; And it appearing that the interest of the widow and heirs of Solomon Butler, deceased, exclusive of James A. Butler, will be promoted by a sale of that part of said original tract just above set off to them, being that part of the ofiginal tract lying on the Eastern side of said cross fence and containing forty (40) acres, more or less, and described as follows;

All of that certain tract, piece or parcel of land lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road, and the estate of the late George A. Bryant; on the West by a division fence running practically North and South, and dividing the tract of land, practically in half, bought by Solomon Butler and James Butler; on the South by the main run of Rattle Snake Swamp and the land of Doctor R. L. Seward and Surry Lumber Company; on the East by the land of Surry Lumber Company, and containing forty (40) acres, more or less, conveyance made in gross and not by the acre. This is approximately one-half (½) (by estimation) of the above mentioned

tract of land of eighty (80) acres, conveyed jointly to Solomon Butler and James Butler, by Burgess Urquart et als by their Deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75, at page 147, and also by Deed from Richard A. Urquart and Kate F. Urquart by their Deed dated May 3, 1927, and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99, page 214.

The Court doth adjudge, order and decree that J. Melvin Lovelace and E. H. Williams, who are appointed Special Commissioners for the purpose of selling the property above-described, shall after first advertising the same for fifteen (15) days, by hand bills posted at 10 or more public places in the County of Isle of Wight, offer the said land for sale, upon the following terms, to-wit: For Cash; said sale to be held in front of the Courthouse of said County.

And the Court doth further direct the said Special Commissioners to convey to James A. Butler, with Special Warranty, that part of said original tract of eighty (80) acres, of land lying on the Western side of said cross fence, containing forty (40) acres, more or less, and being described as follows:

All of that certain tract, piece or parcel of land, lying and beinf in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road and the estate of the late G. A. Bryant; on the West by the land of Doctor R. L. Seward and Surry Lumber Company; on the East by a line fence running North and South, said fence having been placed there by James A. Butler and the late Solomon Butler. The said tract of land herein conveyed contains by estimation forty (40) acres, more or less, said conveyance being made in gross and not by the acre. This is approximately one-half (½) (by estimation) of the above mentioned

tract of land of eighty (80) acres, conveyed jointly to Solomon Butler and James Butler, by Burgess Urquart et als by their Deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75, at page 147, and also by Deed from Richard A. Urquart and Kate F. Urquart by their Deed dated May 3, 1927,and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99, page 214.

It is further ordered that the said Special Commissioners shall collect one-half of the costs of this suit from James A. Butler and report their proceedings hereunder to the Court, but they shall have no power tonexecute this Decree until they shall have entered into Bond before the Clerk of this Court, with surety deemed sufficient by said Clerk, payable to the Commonwealth of Virginia, in the penalty of $1000.00, conditioned upon the faithful discharge of their duties hereunder or under any further Decree that may be entered herein,

And it further appearing from a supplemental report filed by said Commissioner that there are certain judgments against Emma S. Tynes, now Emma S. Jones, (a party hereto), and that the portion of the land directed to be sold is the portion in which she has an interest, it is ordered that said Special Commissioners do hold her portion of the proceeds of sale subject to said judgments and to the further order of the Court.

A Copy Teste:

Butler
½ oy.
Butler

Copy of decree.

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF

ISLE OF WIGHT COUNTY.

James A. Butler.....Complainant

V. DECREE

Emma Butler; Roxanna Warren; Emma S. Jones;
Charlie Jones; Eliza Binford; James Binford;
Samuel Reid; Solomon Allen; George Armstead
Allen; Nola Mae Allen; Solomon Arthur Allen;
Josephine Liggins.....Defendants

This cause, ~~which has been regularly matured and placed upon the docket of the Court~~, came on this day to be again heard upon the papers formerly read and upon the supplemental report of Commissioner, R. A. Edwards, ~~made in pursuance of a previous Decree entered in this cause on the 7th day of January, 1929, said Report having been~~ filed in the Clerk's Office on the 22nd day of April, 1929, to which no exceptions have been taken and was argued by Counsel; and it appearing from said ~~On consideration whereof and it is shown~~ to the Court by Reports ~~of said Commissioner~~, which Reports the Court doth approve and confirm, that the original tract of land of eighty (80) acres, more or less, described in the Bill of Complaint was owned jointly by James A. Butler and the estate of Solomon Butler, deceased; that said original tract of eighty (80) acres, more or less, was divided in the life-time of Solomon Butler, deceased, between Solomon Butler, now deceased, and James A. Butler by the running of a cross fence somewhat North and South, giving the land on the Western side of said cross fence to James A. Butler and the land on the Eastern side of said cross fence to Solomon Butler; that this

division was never carried out by the execution of a Partition Deed, but that since the institution of this suit all the parties hereto, consisting of all of the heirs of Solomon Butler, deceased, and also his widow, as shown by their consent to this Decree, have agreed that said cross fence shall be the true dividing line; and it further

~~It~~ appears ~~to the Court~~ from said Report ~~of said Commissioner~~ that this is a fair and equitable division of the original tract of eighty (80) acres, more or less. ~~By consent of all parties the said original tract of eighty (80) acres, more or less, is hereby divided by said cross fence, and~~ It is hereby ordered that that part of said original tract of eighty (80) acres, more or less, lying on the Western side of said fence is hereby declared to be the property of James A. Butler in fee simple and free from any dower rights of Emma Butler, widow of Solomon Butler, deceased, and that the remaining part of original tract of eighty (80) acres, more or less, being that part of said original tract lying on the Eastern side of said cross fence is hereby declared to be the property of the widow and heirs of Solomon Butler, deceased, exclusive of James A. Butler, who has agreed to relinquish his rights in said part lying on the Eastern side of said cross fence as an heir of his father Solomon Butler, deceased, and

It appears ~~to the Court~~ that the interest of the widow and heirs of Solomon Butler, deceased, exclusive of James A. Butler, will be promoted by a sale of that part of said original tract just above set off to them, being that part of the

original tract lying on the Eastern side of said cross fence and containing forty (40) acres, more or less, and described as follows:

~~TRACT NO. 1~~

All of that certain tract, piece or parcel of land lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road, and the estate of the late George A. Bryant; on the West by a division fence running practically North and South, and dividing the tract of land, practically in half, bought by Solomon Butler and James Butler; on the South by the main run of Rattle Snake Swamp and the land of Doctor R. L. Seward and Surry Lumber Company; on the East by the land of Surry Lumber Company, and containing forty (40) acres, more or less, conveyance made in gross and not by the acre. This is approximately one-half (½) (by estimation) of the above mentioned tract of land of eighty (80) acres, conveyed jointly to Solomon Butler and James Butler, by Burgess Urquart et als by their Deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75, at page 147, and also by Deed from Richard A. Urquart and Kate F. Urquart by their Deed dated May 3, 1927, and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99, page 214.

The Court doth adjudge, order and decree that J. Melvin Lovelace and E. H. Williams, who are appointed Special Commissioners for the purpose of ~~conveying~~ selling the property above-described ~~as "Tract No. 1"~~ shall after first advertising the same for fifteen (15) days ~~in such manner as the law directs,~~ by hand bills, posted at 3 or more Public places upon the Courthouse Green, Court for Cook. offer the said land for sale, ~~and upon the payment to them by the purchaser or purchasers of the said land, such sum or sums as the Court may approve, will convey with Special Warranty to the said purchaser or purchasers, the land heretofore mentioned.~~ Said Sale to be held in front of the Courthouse of Said County. And the Court doth further direct

Recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75, at page 147, and also by Deed from Richard A. Urquart and Kate F. Urquart by their Deed dated May 3, 1927, and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99, page 214.

~~In consideration of the premises above set out, the Court doth adjudge, order and decree that~~ the said Special Commissioners ~~do~~ convey to James A. Butler, with Special Warranty, that part of said original tract of eighty (80) acres of land lying on the Western side of said cross fence, containing forty (40) acres, more or less, and being described as follows: ~~TRACT NO. 2~~

All of that certain tract, piece or parcel of land, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, bounded and described as follows: Bounded on the North by the County Road and the estate of the late G. A. Bryant; on the West by the land of Doctor R. L. Seward and Surry Lumber Company; on the East by a line fence running North and South, said fence having been placed, there by James A. Butler and the late Solomon Butler. The said tract of land herein conveyed contains by estimation forty (40) acres, more or less, said conveyance being made in gross and not by the acre. This is approximately one-half (½) (by estimation) of the above mentioned tract of land of eighty (80) acres, conveyed jointly to Solomon Butler and James Butler, by Burgess Urquart et als by their Deed dated February 7, 1905, and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book No. 75, at page 147, and also by Deed from Richard A. Urquart and Kate F. Urquart by their Deed dated May 3, 1927, and recorded in said Clerk's Office, July 29, 1927, in Deed Book No. 99, page 214.

It is further ordered that the said Special Commissioners shall ~~pay the cost of this suit, and~~ report their proceedings hereunder to the Court, but they shall have no power to execute this Decree until they shall have entered into Bond with sufficient ~~security in the~~ Clerk ~~of this Court~~, payable to the Commonwealth of Virginia, in the penalty of $, conditioned upon the faithful discharge of their duties hereunder or under any further Decree that may be entered herein.

//

#5-33

James A. Butler.....Complainant

V. DECREE

Emma Butler et als...Defendants

We consent:-
E. H. Willcox
Atty for the Defendants

1929
May 14. Entered
Wms

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

Book 8. page 503

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

James A. Butler.....Complainant

VS.....DECREE

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins.....
.....Defendants

in which the above named are parties Complainant and Defendant,

This cause, by consent of all the parties, by Counsel, came on this day to be heard upon the Complainant's Bill, ~~and filed by leave of Court, exhibits filed therewith~~, the joint and separate answers of all of the Defendants herein, ~~to said Bill;~~ by leave of Court and upon the answers filed this day was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to make the following inquiries ~~and to make the following accounts~~ and report thereon to this Court: and he will also report to the Court any other matter, especially stated, deemed pertinent by himself or required by any party to be stated:

FIRST: ~~All~~ of what ~~the~~ real estate, ~~belonging to the heirs of the late~~ Solomon Butler, ~~who~~ died seized and possessed ~~of one-half (½) interest in and to a certain tract of land lying and being in~~ Hardy Magisterial District, Isle of Wight County, Virginia, more ~~particularly described in the Bill of Complaint, the respective shares of the said heirs and their interest therein, where situated~~ and what is its fee simple and annual value, ~~whether the rights of any person will be violated by sale of the said property; who will be the~~ heirs and distributees of the late Solomon Butler, and

What parties have an interest therein, their respective shares therein, how entitled to such, and the location of said property

who are all the persons who are and can be in any way interested in this suit, and whether all such persons are properly before the Court in this cause.

SECOND: Whether the Complainant in this cause is entitled to ~~have his~~ one-half ($\frac{1}{2}$) of the farm of eighty (80) acres, described in the Bill of Complaint, and if so what part, ~~set off as a separate tract from that of the one-half ($\frac{1}{2}$) interest owned by the late Solomon Butler~~; whether the Complainant, James A. Butler is entitled to reimbursement for money expended on the said property ~~in question~~, and what if any thing will be the amount due him by reason of the building erected by him on the said premises, should ~~the Commissioner fail to see fit to have his one-half ($\frac{1}{2}$) interest set aside.~~ he not be entitled to any part of said land, and what, if anything, he should be charged as rent for any portion of said land.

~~THIRD~~: What will be a fair compensation to be allowed to the Counsel for the ~~Complainant out of~~ the proceeds of the sale of the land belonging to the heirs of the said Solomon Butler, for his services in instituting and conducting this suit.

FOURTH: Whether the said estate left by the late Solomon Butler can be conveniently partitioned ~~in kind~~ or allotted among the persons entitled thereto ~~in either of the modes~~ as prescribed by Statute.

FIFTH: If partition ~~in kind as aforesaid~~ or allotment cannot be conveniently made, whether anyone of said parties will take the whole of the said real estate and pay to the others such sums of money as their interest therein may entitle them to receive.

SIXTH: If partition ~~in kind~~ as aforesaid cannot be conveniently made, and none of the said parties will take the whole subject and pay the others for their share, whether the interest of the persons who are entitled to the said real estate will be promoted, by a sale of the whole thereof and a distribution of the proceeds among them.

Which said inquiries the said Commissioner shall make, after first giving notice of the time and place thereof to all parties, or their Counsel, and report the same to this Court.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

James A. Butler.....Complainant

V. DECREE

Emma Butler; Roxanna Warren; Emma S. Jones; Charlie Jones; Eliza Binford; James Binford; Samuel Reid; Solomon Allen; George Armstead Allen; Nola Mae Allen; Solomon Arthur Allen; Dollie Anne Jones; Charlie Jones; Josephine Liggins.....Defendants

This cause, in which the above named are parties, Complainant and Defendants, which has been regularly matured at Rules, came on this day to be heard upon the Complainant's Bill; the Defendants failing to answer, plead or demur same is taken for confessed as to ~~them~~, ~~good and sufficient service having been gotten~~ and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to make the following inquiries and report thereon to this Court: and he will also report to the Court any other matter, especially stated, deemed pertinent by himself or required by any party to be stated:

FIRST: Of what real estate, Solomon Butler died, seized and possessed; what parties have an interest therein, their respective shares therein, and how acquired together with the location of said property, what is its fee simple and annual value, and who are all the persons who are and can be in any way interested in this suit, and whether all such persons are properly before the Court in this cause.

SECOND: Whether the Complainant in this cause is entitled to one-half (½) of the farm of eighty(80) acres, described in the Bill of Complaint, and if so what part; whether the Complainant, James A. Butler, is entitled to reimbursement for money expended on the said property, and what, if anything, will be the amount due him by reason of the building erected by him on the said premises, should he not be entitled to any part of said land, and what, if anything, he should be charged as rent for any portion of said land.

THIRD: Whether the said real estate left by the late Solomon Butler can be conveniently partitioned or allotted among the persons entitled thereto as prescribed by Statute.

FOURTH: If partition or allotment cannot be conveniently made, whether anyone of said parties will take the whole of the said real estate and pay to the others such sums of money as their interest therein may entitle them to receive.

FIFTH: If partition as aforesaid cannot be conveniently made, and none of the said parties will take the whole subject and pay the others for their share, whether the interest of the persons who are entitled to the said real estate will be promoted, by a sale of the whole thereof and a distribution of the proceeds among them.

Which said inquiries the said Commissioner shall make, after first giving notice of the time and place thereof to all parties, or their Counsel, and report the same to this Court.

1

James A. Butler...Complainant

VS.....DECREE 533

Emma Butler Et Als.

We hereby Consent to this decree

Geo. L. Whitley,
atty for def Bank.

Hugh L. Holland
atty for complainant

1939
Jan. 7,
Entered
D.R.W.

HUGH L. HOLLAND
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

Book 6
page 484

R. T. PILAND

C. A. RAGSDALE

PILAND PRINTING COMPANY

PRINTERS - PUBLISHERS - BINDERS

Loose Leaf Work A Specialty

125-127 South Main Street

PHONE 428

SUFFOLK, VA., July 1, 1929

SOLD TO J. Melvin Lovelace

May 23. -150 Hand Bills (Butler Est) $ 6.00

PAID
1/3/30
Piland Printing Co.
By Ragsdale

Please Receipt and Return.

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 5/13 — 1923

Received of J. M. Fork for E. H. Williams —
Pet. Court Butler et al. v. Butler et al
Dent Reglas
Dollars
Plats for drawing Lucas Deed

$ 10.00

J. Melvin Lockard
E. H. Williams

Lewis G. Brothers, Suffolk

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 5/13 — 192 3

Received of J. Melvin Lovelace vs. E. H. Williams, Jr. Recd. of Defendant re Exhibit of Plaintiff ——— **Dollars**

50% Costs in $190.00 Suspended

Recd

J. Melvin Lovelace

$ 9.50

E. H. Williams, Jr.

Lewis G. Brothers, Suffolk

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 5/14 1920

Received of E. H. Williams

five 00/100 Dollars

for Bond for Irene Burton vs Burton.

$ 5.00

R. A. Edwards.
agt T+D C.

Lewis G. Brothers, Suffolk

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 5/14 1930

Received of E. H. Williams

Twenty Six & 65/100 **Dollars**

1/2 Court Cost Re Butler & Butler.

$ 26.65

R. A. Edwards
Clerk Court

Lewis G. Brothers, Suffolk

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 5/14 1930

Received of E H Williams

Twenty Six & 68/100 **Dollars**

1/2 Delinquent taxes on Solomon Butler land for 1926 & 1927.

$ 26.68

R. A. Edwards D/
Clerk Court

Lewis G. Brothers, Suffolk

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 5/14 1930

Received of E H Williams

Twenty Two & 50/100 **Dollars**

For 1/2 1928 Add. tax & 1/2 1929 Current tax for E R Lane - Jr. on Solomon Butler tract.

$ 22.50

R. A. Edwards
Clk

Lewis G. Brothers, Suffolk

OFFICE OF
E. H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 10 of 11 — 192 5

Received of

Dollars

R. Lee Seward

$ NOV

Lewis G. Brothers, Suffolk

OFFICE OF
E. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

Smithfield, Va., 11/9 — 1929

Received of E. H. Williams D. McIver Lee Special Comm's Butler T. Butler et al Deft's $ 40/100 **Dollars**

for the fees of Solomon Butler, Wm. E. Chas. H. James W. Butler & Emma F. Jones, Wm. Jeffries, Wm. Butler

$ 40.00

E. H. Williams
Atty for the Trustee

Lewis G. Brothers, Suffolk

RECEIVED OF E. H. Williams, Attorney, and one of the Special Commissioners in the suit of Butler et als v. Butler et als, the sum of Eighteen Dollars and Eight cents ($18.08), the same being in full of my commuted dower interest in the sum of One Hundred Ninety ($190.00) Dollars, the same being the full purchase price of the land sold in the above suit.

I hereby state that I am seventy-five years of age.

11/9/29

her
Emma X Butler
mark

Witness: Mary Butler

Cost on
1st Suit.

Menus 20- Lapels 25- Trousers.

40- = 2.80 =
85-
3.65

1 x
20
280

2 12 6
1 3 00

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

James A Butler.....Complainant

vs.

Emma Butler, Roxanna Warren, Emma S. Jones, Charlie Jones, Eliza Binford, James Binford, Samuel Reid, Solomon Allen, George Armstead, Allen, Nola Mae Allen, Solomon Arthur Allen and Josephine Liggins,.....Defendants

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TO THE HON. JUDGE OF THE SAID COURT:

The undersigned Special Commissioners hereby respectfully report to the Court that pursuant to and in accordance with decree heretofore entered, they have disbursed the ONE HUNDRED NINETY ($190.00)DOLLARS received from A. E. S. Stephens, the purchase price of the land in this suit mentioned and described, as is shown by the following statement, with vouchers attached, to-wit:

Amount of purchase price of land	$190.00	
By Pd. 5% commissions to Spec'l Commissioners.....		$ 9.50
By Pd. R. A. Edwards, Clerk, one-half of court cost,.....		36.65
By Pd. R. A. Edwards, one-half of delinquent taxes on Solomon Butler land for 1926-27.....		26.68
By Pd. one-half 1928 delinquent tax and one-half 1929 current tax		22.59
By Pd. Piland Printing Co., for hand bills.....		6.00

By Pd. R. A. Edwards, Premium on Bond.....		$ 5.00
By Pd. Spec'l Comrs. for drawing deed.....		10.00
By Pd. Dr. R. Lee Seward on judgment vs. Emma Jones, who was Tynes		15.00
By Pd. Emma Butler, commuted dower interest,.....		18.08
By Pd. E. H. Williams, Atty. for the heirs,.....		40.50
	$190.00	$190.00

And nothing further remaining to be done in this cause, your Commissioners respectfully recommend that the same be stricken from the docket.

Respectfully submitted,

E. H. Williams
Special Commissioner

J. Marvin Loveless
Special Commissioner. By E. H. W.

N

James A. Butler, et als

vs! In Chancery

Thos Butler et als

Spec'l Commissioner's

Report

E. H. WILLIAMS
ATTORNEY AT LAW
SMITHFIELD, VIRGINIA